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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,250	11/10/1998	KELAN C. SILVESTER	INTL-0154-US	5294
7590 05/03/2005			EXAMINER	
TIMOTHY N TROP TROP PRUNER HU & MILES 8554 KATY FREEWAY STE 100 HOUSTON, TX 77024			HOOSAIN, ALLAN	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/189,250

**Applicant(s)**

SILVESTER, KELAN C.

**Examiner**

Allan Hoosain

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/16/04 (11/16/05).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 26-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Greco et al.** (US 5,568,540) in view of **Kanevsky et al.** (US 6,219,407).

As to Claim 26, with respect to Figures 1-3, **Greco** teaches a method comprising:

identifying a speaker or caller (information about the source of a voice message) (Figure 2, label 188);

selecting a subject (portion) of said voice message (Figure 2, label 188);

exporting said portion and said source information into a graphical user interface that displays a log of telephone calls including the source information and information about the subject matter of the voice message (Figures 2 and 3); and

displaying said portion in said graphical user interface including displaying the source of said voice message using said portion to indicate information about the subject matter of the voice message;

**Greco** does not teach the following limitation:

“converting said portion of said voice message to text”

However, it is obvious that **Greco** suggests the limitation. This is because **Greco** teaches displaying subjects of voice messages and must, therefore, have some form of speech recognition (Figures 2-3). **Kanevsky** teaches speech recognition for recognizing words, converting the words to text and displaying the text (Figure 2). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add speech recognition capability to **Greco's** invention for recognizing words as taught by **Kanevsky's** invention in order to provide a user with subject information on calls.

As to Claims 27,38, **Greco** teaches the method of claim 26 wherein identifying information about the source of a voice message includes using a comparator or caller identity store (caller identification device) (Col. 3, lines 12-18).

As to Claims 28,33, **Greco** teaches the method of claim 26 wherein selecting a portion of said message includes selecting the initial portion of said message of a size sufficient to fit within an available field within said graphical user interface (Figure 2).

As to claims 29,34, **Greco** teaches the method of claim 26 wherein exporting said portion and said source information into a graphical user interface includes exporting said portion and said source information in a fashion that the portion may be provided under a heading indicating the source of the telephone call and said portion is displayed under a heading that indicates the subject matter of the telephone call (Figure 2).

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As to Claims 30-31,35-36, **Greco** teaches the method of claim 28 including exporting said portion and said source information into a graphical user interface that also lists received e-mail messages (Figure 2, label 187).

As to claims 32, 37, with respect to Figures 1-3, **Greco** teaches an article comprising a medium storing instructions that, if executed, enable a processor-based system to:

- identify information about the source of a voice message (Figures 2-3);

- select a portion of said voice message (Figure 2);

- export said portion and said source information into a graphical user interface that displays log of telephone calls including the source information and information about the subject matter of the voice message (Figures 2-3); and

- display said portion in said graphical user interface including the source of said voice message and using said portion to indicate information about the subject matter of said voice message

**Greco** does not teach the following limitation:

“convert said portion to text”

However, it is obvious that **Greco** suggests the limitation. This is because **Greco** teaches displaying subjects of voice messages and must, therefore, have some form of speech recognition (Figures 2-3). **Kanevsky** teaches speech recognition for recognizing words, converting the words to text and displaying the text (Figure 2). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add speech

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recognition capability to **Greco's** invention for recognizing words as taught by **Kanevsky's** invention in order to provide a user with subject information on calls.

***Response to Arguments***

3. Applicant's arguments with respect to claims 26-38 have been considered, were persuasive, but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Astarabadi** (US 5,882,405) teaches voice recognition which recognizes keywords in voice messages.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313  
(Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

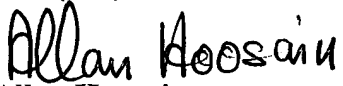
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

  
**Allan Hoosain**  
**Primary Examiner**  
**4/20/05**